

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
Fort Lesley J. McNair
Washington, DC 20319-5058

MDW Regulation
No. 690-2

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Civilian Personnel
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM


FOR THE COMMANDER:

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OFFICIAL:

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History: This is a new regulation.

Summary: It provides policies, procedures, and responsibilities for administration of the Equal Employment Opportunity (EEO) Program. It implements Army Regulations 690-600, Equal Employment Opportunity Discrimination Complaints, and 690-12, Equal Employment Opportunity and Affirmative Action, which prohibit discrimination based on race, color, religion, sex, national origin, age, physical or mental handicap, or reprisal, and require affirmative employment programs for minorities and women. MDW Form 20-R-E, Federal Equal Opportunity Recruitment Program Applicant Pool Summary and Tracking Sheet, is prescribed for reporting applicant flow data.

Applicability. This regulation applies to HQ, MDW, and all installations, subordinate commands, and activities of the MDW MACOM, and activities receiving EEO support from MDW in accordance with servicing agreements. It covers all employees and applicants for employment in appropriated and nonappropriated fund positions.

Supplementation. This regulation may be supplemented at installation level. Proposed supplements must be submitted for approval to Commander, MDW, ATTN: ANEE-Z, Fort Lesley J. McNair, Washington, DC 20319-5058.

Suggested improvements. The proponent of this regulation is the Director, Equal Employment Opportunity. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander, MDW, ATTN: ANEE-Z, Fort Lesley J. McNair, Washington, DC 20319-5058.

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Glossary

Chapter 1 Introduction

1-1. Purpose

This regulation establishes U.S. Army Military District of Washington (MDW) policies and procedures for implementation and evaluation of the Equal Employment Opportunity (EEO) Program. The MDW EEO Program includes the Affirmative Employment Program (AEP) for minorities and women, the Federal Women's Program (FWP), the Hispanic Employment Program (HEP), the Black Employment Program (BEP), the Asian Pacific Employment Program (APEP), the Native Employment Program (NEP), actions to process and resolve complaints of discrimination, and training. This regulation delineates responsibilities for program areas and standardizes data gathering and reporting requirements.

1-2. References Required and related publications are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and terms used in this regulation are listed in the glossary.

1-4. Nondiscrimination guidelines

The EEO program is a responsibility and expression of leadership. Federal directives require the development and implementation of affirmative action programs as essential elements of readiness that are vital to mission accomplishment. Affirmative action programs are tools to achieve EEO through self-analysis, problem identification, data collection, policy statements, reporting systems, and elimination of discriminatory policies and practices. The MDW EEO program is designed to provide the methodology and resources needed to implement Federal civil rights laws and guidelines. It is MDW policy to provide equal employment opportunity for employees and applicants and to promote a working environment free from unlawful discrimination based on race, color, religion, sex, age, national origin, handicap, or reprisal. Sexual harassment will not be tolerated. Complaints of discrimination will be processed expeditiously and equitably, and will be resolved at the lowest possible level.

1-5. Responsibilities

- a. Heads of all MDW MACOM elements will--
 - (1) Implement an effective EEO Program.
 - (2) Support EEO by ensuring adequate resources and staffing, including special emphasis programs (SEPs) and SEP managers (SEPMs) as appropriate, and collateral-duty EEO counselors are provided to implement the program.

(3) Issue policy statements expressing their support and expectations.

(4) Direct appropriate affirmative action.

(5) Act promptly to correct identified discrimination.

b. The MDW Director of EEO is the primary civil rights advisor to the Commanding General and develops command positions on the EEO program. The Director of EEO has been delegated staff responsibility for all EEO policy matters, and for managing, administering, and evaluating the command EEO program. She or he reports directly to the Commanding General through the Chief of Staff. The Director, Equal Employment Opportunity will--

(1) Provide technical guidance and assistance on the development and implementation of the command's EEO program including the Affirmative Employment Program and EEO Complaints Processing Program.

(2) Act as the primary liaison and representative of the Commanding General with community, political, and Federal agencies and activities that have an interest in EEO program areas.

(3) Process individual and class-action complaints escalated to the MACOM level in accordance with governing regulations and directives.

c. The MDW Director of Civilian Personnel will support command EEO initiatives, program areas, and coordinate personnel matters with the MDW Director of Equal Employment Opportunity on EEO related matters.

d. The MDW Staff Judge Advocate will provide legal advice to commanders, EEO officials, and management officials on EEO policy, procedures, and specific actions in MDW and in serviced organizations that do not have legal advisors.

e. MACOM and activity career program managers (CPMs), within their respective career programs and with support from civilian personnel and EEO officials, will--

(1) Provide effective leadership and direction in the implementation of EEO initiatives related to career program management.

(2) Review EEO data on career program registrants, employees eligible for enrollment in a career program, and provide feedback to EEO and personnel officials on changes in the career program.

(3) Monitor progress of career program goals and objectives achievement, identify areas needing improvement and assist in developing and implementing corrective actions.

(4) Advise the EEO officer on strategies to recruit candidates for employment from women's and minority groups.

(5) Participate in upward mobility program and intern development planning to facilitate the entry of qualified minorities and women employees/applicants into career fields.

(6) Advise on the resolution of EEO complaints involving career program actions.

f. Heads of staff activities will support the EEO program within the purview of their staff responsibilities.

Chapter 2

Affirmative Employment Program for Minorities and Women

2-1. General

The MDW Affirmative Employment Program (AEP) consists of AEP planning, special emphasis programs, EEO training and education, and other areas that affect the equitable distribution of resources, benefits, and career enhancements within the command. MDW will take affirmative actions to overcome the effects of discriminatory practices, policies, or other barriers to equal employment opportunity for minorities and women. Affirmative actions will include identifying and eliminating systemic policies and practices that impact adversely on groups of individuals, and which are related to their race, color, national origin, religion, age, handicap, or sex. Affirmative actions will be designed to work toward achievement of a civilian work force in which minorities and women are represented in every major organizational element, occupational category, and grade level commensurate with their representation in the relevant civilian labor force (CLF).

2-2. Affirmative Employment Program Plan (AEPP) for Minorities and Women and Annual Accomplishment and Update Reports (AAUR)

a. The MDW EEO Directorate will develop and prepare the MDW MACOM staff-level AEPP and Total Serviced Area AEPP as well as the subsequent AAURs. The Total Serviced Area AEPP will cover all employees receiving support from the MDW Civilian Army Personnel Services-National Capital Region (CAPS-NCR) or Civilian Personnel offices (CPOs) or EEO offices. This will ensure total coverage of employees in accordance with Federal guidelines. Staff-level plans and accomplishment and update reports regarding MDW-serviced units that are a part of any other MACOM will be prepared in accordance with the provisions of support and servicing agreements and Federal and Army regulations.

b. Each installation's servicing EEO Office will develop installation level Multi-Year AEPPs and subsequent AAURs and forward them to the MDW EEO Directorate for review and approval prior to submission to the Equal Employment Opportunity Commission (EEOC). The AEPPs will be submitted IAW the appropriate EEOC, DA and MDW guidance on forms specified by EEOC. Installation AEPPs/AAURs will cover all employees located on or directly serviced by the installation. Tenant organizations will be included in their own separate sections and will also be aggregated in the total plan. Each tenant organization section will, at a minimum, show CLF comparisons, goal, and indices by the following employment categories: Professional, Administrative, Technical, Clerical, Other, and Blue Collar (PATCOB). Additional data will be included as required by servicing agreements.

(1) All data pages will be in the same format as the command's AEPP or AAUR. Reports will neither exclude nor consolidate smaller race/national origin or gender (RNO/G) groups (i.e., Asian or Native women or men), but will delineate data for all

RNO/G groups. A separate section will show a listing by series with the number of employees in each series. Plans will target the same series as the command plan in addition to series requiring local interest. All targeted series will show goals and manifest imbalance/conspicuous absence (MICA) indices for the five highest grades within the series.

(2) All reports will include actions taken to implement the command's Historically Black Colleges and Universities and Minority Institutions (HBCU/MI) initiatives and special emphasis program development for all SEPs (Federal Women's Program, Black Employment Program, Hispanic Employment Program, Asian Pacific Employment Program and Native Employment Program). In addition, data will be reported on the number and percentage of managers and employees who have received the DA authorized Prevention of Sexual Harassment (POSH) training, annual sexual harassment prevention update training, and other EEO training during the fiscal year. Data on EEO training will include the organization and percent of that organization's on-board strength that received EEO training by category during the reporting period.

(3) All plans will include, at a minimum, all information required by EEOC Management Directive (MD) 714, Instructions for Federal Affirmative Employment Multi-Year Program Plans, or appropriate subsequent guidance. Promotion and accession data will be shown by grade and percentage within each PATCOB category. Applicant pool data will show a comparison of the applicant pool with the CLF for each PATCOB category. In addition, applicant pool data will be shown for each targeted series as well as totals by PATCOB and grades within those PATCOB categories. Include reports comparing population changes from the last reporting period. If the installation has had a Reduction in Force (RIF) or realignment/reorganization that impacted employees adversely, no matter the number of employees affected, a table will be included indicating the number of employees affected by RNO/G. Reportable categories include change to lower grade, separations, and transfers. The data will show the percentage of employees affected in each category compared with their population representation. Plans will include all elements required by EEOC and HQDA guidelines as well as:

(a) A table showing the number of entries into the DA Complaints Appeals Tracking System (CATS) and the percentage of all complaints entered into the system in accordance with DA guidelines.

(b) The percent of EEO complaints filed within each RNO/G by bases and issues both cumulatively and for the current reporting period.

(c) The total cost of all complaints filed (not broken out by individual complaint) for investigations, counseling cost (counselor's salary x time spent), witness travel costs, attorneys' fees, court reporters, and settlements. All cost data must be supportable by a voucher number, travel order number, or

purchase request number; however, inclusion of these documents as part of the plan is not required.

(d) The number of class action complaints filed.

(e) Statements on the amount of training funds spent on EEO training for EEO staff, collateral-duty SEPM personnel and EEO counselors. Report the number of EEO seminars conducted or planned for managers and employees and the number of EEO and collateral-duty personnel attending DA, DOD, or Office of Personnel Management (OPM) sponsored EEO training.

(f) Include annual SEP reports for each SEP as part of the noteworthy activities section.

(g) All reports will show data tables on the distribution of each SEP group by PATCOB.

(h) A data table will be included for each SEP group that shows the most populated PATCOB categories and series within those categories.

c. Serviced commands and activities with 500 or more employees will have separate AEPPs prepared by the servicing EEO office in accordance with the provisions of support and servicing agreements and appropriate Federal and Army regulations. Other MDW-serviced commands and activities with less than 500 employees will be covered by the AEPP of the host installation; however, the serviced commander may choose to have his/her own mini-plan for informational/planning purposes. The provisions of MDW installation AEPPs are binding on MDW-serviced commands and activities with employees covered by those AEPPs.

d. Monitoring and implementation. Specific instructions for monitoring and implementation will be included in the AEPPs.

e. Plans should provide an easy to read document on which management decisions can be informally based. Clearly state the strategy planned to address EEO issues.

2-3. Special emphasis programs

a. All DoD recognized special emphasis programs are supported by MDW. The Federal Women's Program (FWP), Hispanic Employment Program (HEP), Black Employment Program (BEP), Asian Pacific Employment Program (APEP), and the Native Employment Program (NEP), will be implemented at MACOM and installation levels.

b. Special emphasis program managers (SEPMs) will be responsible for the development, implementation, and evaluation of SEPs as components of the overall EEO program.

c. Special emphasis programs are established as staff resources to assist commanders and heads of activities in ensuring equal employment opportunity. Efforts include--

(1) Providing a working environment that is free of discrimination.

(2) Identifying and eliminating systemic factors that have an adverse impact on the command's employment practices relative to minority groups and women.

(3) Ensuring that special needs of women and minorities are elevated into the command's central decision making process.

(4) Working toward achievement of a civilian work force in which women and minorities are represented in every major organizational element, occupational category, and grade level commensurate with their representation in the relevant civilian labor force.

d. Collateral-duty special emphasis program managers (SEPMS).

(1) Collateral-duty SEPMS will be nominated by each serviced organization to support each DoD recognized SEP. Nominations must include the endorsement of the appropriate commander or supervisor. The selection criteria, which is based on DoD guidelines, are listed in appendix B. The servicing EEO officer will appoint the SEPMS after a determination has been made of the nominee's suitability for the appointment. An addendum of duties will be officially added to the SEPMS's primary position description by the nominating organization. Organizations will ensure selectees are allowed sufficient duty time to perform required duties. When possible, primary and alternate nominations and selections will be accomplished.

(2) All collateral-duty SEPMS must receive appropriate training soon after initial appointment. In order to maintain high caliber, effective programs, nominating organizations are required to fund a minimum of one DA or DoD sponsored training session annually for each SEPMS. DoD or DA messages are considered sufficient proof that attendance at these organizations' training conferences are deemed official duty.

(3) Performance of collateral duties will be evaluated by the servicing EEO officer upon written request of the primary supervisor and will be included in the annual appraisal of the SEPMS. MDW supports SEPMS membership in DoD supported EEO oriented organizations such as Federally Employed Women (FEW), the League of United Latin American Citizens (LULAC), Blacks in Government (BIG), Federal Asian Pacific American Council (FAPAC), National Association of Professional Asian Women (NAPAW), National Congress of American Indians (NCAI), Incorporated Mexican American Government Employees (IMAGE), GI Forum, and others.

2-4. Mandatory EEO training

Training coordinators of organizations requiring EEO training will submit a written request to the servicing EEO office.

a. EEO training for new supervisors will be included in the mandatory course on managing civilian employees sponsored by the CAPS-NCR/CPOs. When the DA Supervisor Development Correspondence Course for new supervisors is used in lieu of in-class training, training coordinators will request EEO overview training and the Prevention of Sexual Harassment course for supervisors, in writing, in sufficient time to ensure the new supervisor receives all required training within 180 days of appointment.

b. All newly assigned employees will receive general EEO training including, but not limited to, complaints procedures and prevention of sexual harassment, within 90 days of employment. All employees must attend the DA-authorized Prevention of Sexual Harassment (POSH) course and annual update training as it becomes available.

c. Servicing EEO offices will forward course evaluations or a summary of course evaluations and a breakdown of course participants (e.g., number of supervisors/managers, number of new employees, etc.), and course title, to the MACOM EEO office no later than 5 work days after the end of the quarter.

2-5. EEO performance evaluation of managers and supervisors

The Total Army Personnel Evaluation System (TAPES) deletes the term "critical element." Servicing EEO offices will continue to monitor and evaluate the EEO performance of managers and supervisors. Managers and supervisors who make outstanding contributions to the EEO mission of MDW have an opportunity to be awarded the MDW EEO Action Award as prescribed in MDW Regulation 672-2, Equal Employment Opportunity Actions Awards.

2-6. EEO committees

A MACOM staff-level Affirmative Employment Committee will be established in accordance with AR 690-12. The committee will address the command's posture in the accomplishment of affirmative employment goals in the recruitment, employee development, advancement, and retention of minorities and women. The structure, functions, and membership of the committee will be tailored to meet current needs. The committee will be formed from the collective body of special emphasis program officials. At installations and serviced commands/activities, the requirement for EEO committees may be satisfied by special emphasis program committees. The recommended guideline is a primary and alternate committee member from each activity. These committees will not act on complaints of discrimination.

Chapter 3 Data Collection and Analysis

3-1. Data collection and reporting

a. All information concerning employees and applicants for employment will be protected in accordance with governing regulations including 29 CFR 1614, Federal Sector Equal Employment Opportunity, applicable Army security regulations, the Privacy Act and AR 690-12, Equal Employment Opportunity and Affirmative Action. Race, sex, and national origin data on applicants and employees will be collected, processed, recorded, and safeguarded in accordance with this chapter and Civilian Personnel Directorate instructions and procedures.

(1) Only civilian personnel officials will enter employee data into the official Army civilian personnel data system. All EEO offices will have independent access to the Army civilian personnel data system.

(2) Only EEO officials will enter information into the Army Complaint Appeals Tracking System (CATS) or its equivalent. At no time will access to the CATS system or its equivalent be granted to anyone other than EEO officials.

(3) Only EEO and civilian personnel officials will be given access to civilian personnel records. Any other requests for access must be submitted through the MACOM EEO office and the installation Privacy Act Officer to the HQDA EEO Agency. Requests will state the purpose of the request, under what circumstances the access will be granted and the period of time access is required. All resulting reports and briefings will be reviewed to ensure the target audience has a need to know. If the data is used by other than command or management officials, the target audience will be informed the data is protected under the Privacy Act and will not be further divulged. Any data used for training purposes outside of the EEO or civilian personnel arena will be sanitized to protect the identities of the employees.

b. Work force profile, personnel transaction, and special employee development data on permanent employees will be entered into automated systems to be retrieved and analyzed by the MACOM and servicing EEO offices only. Access to this data will be restricted to EEO and civilian personnel officials only. Any other dissemination will be made to individuals on a need-to-know basis in accordance with AR 690-12. Requests for information will be made through official command or staff channels to the servicing EEO office.

c. Each installation will maintain an automated database to monitor the applicant pool. To ensure the servicing EEO office has sufficient information for analyses, CAPS-NCR/CPOs will, on a monthly basis, supply all available applicant flow data from DA Forms 2600 (Referral and Selection Registers), OPM certificates,

etc., the Job Applicant Screening Worksheet, and MDW Form 20-R-E (Federal Equal Opportunity Recruitment Program Applicant Pool Summary and Tracking Sheet) on each permanent/regular placement. The form is designed for both local reproduction and electronic generation. A blank copy of MDW Form 20-R-E is provided at the back of this regulation for reproduction purposes. Data will be maintained on all selection actions requiring a management decision to place an employee into a permanent position, regardless of term. The servicing EEO office will consolidate and report applicant flow data to the MACOM EEO office quarterly, not later than 5 working days after the end of the quarter. It is not sufficient to report only the number of accessions and promotions. Data aggregation should be sufficient to show the available candidate pool on which management decisions were based, the selection history of individual managers, organizations, series, grades, PATCOB, and RNO/G of those who applied or were considered, were referred for management action, and those who were selected. Data forms will be maintained for 2 years.

3-2. EEO work force profile, transaction, and special employee development data

a. EEO work force profile data to be recorded and reported includes race, sex, national origin, handicapping condition, pay plan, occupational series and category, grade, career program, nature of actions, education level, supervisory status, age, accession dates, promotion dates, organization positions, salary, cash and performance awards, developmental training, and employee history.

b. Personnel transaction data will be recorded and reported in as much detail as possible. This includes all placements (e.g., promotions, excluding temporary promotions; downgrades; appointments; transfers; separations; and reassignments) as well as losses, changes to lower grade, training, annual performance ratings, awards, and adverse and disciplinary actions.

c. Special employee development programs.

(1) Nonappropriated fund employees in special development programs to be recorded/reported include interns and upward mobility program participants.

(2) Appropriated fund employees in special development programs to be recorded/reported include interns, upward mobility program participants, cooperative education program participants, worker-trainees, and junior fellows.

3-3. Data analysis

a. When sufficient data are available, the servicing EEO office will conduct analyses on selection procedures.

b. The following principles will apply in developing procedures, recording, and reporting applicant flow data:

(1) The term "applicants" will include persons who apply for positions even though they do not meet OPM qualification standards or have status. This will ensure there is adequate data available to evaluate the effectiveness of various recruitment methods and sources.

(2) Candidates who did not formally apply but who were formally considered and/or selected (e.g., through reassignment or transfer) will be counted as applicants to the extent they can be identified.

(3) Candidates for positions filled from certificates or referral lists compiled by a central referral office (e.g., OPM, U.S. Total Army Personnel Command (PERSCOM)), will be counted even though RNO/G profile information may not be available. To the extent possible, career program rosters will be used to identify race/national origin and gender of such applicants.

(4) Analyses will be calculated by categories used in the MACOM AEPP (e.g., race, national origin, and gender by grade for each PATCOB category; by race, national origin, and gender within grade for each populous series and/or career program).

c. The servicing EEO office will provide summaries of analyses to appropriate responsible management officials. Reports will include recommendations to reduce or remove barriers. The reports will also be used to identify systemic or institutional barriers to EEO and to develop corrective strategies for inclusion in the annual update of the AEPP.

d. The work force will be monitored and analyses conducted to show relationships between personnel issues, employee qualifications, management practices, program probabilities, and trends. The analysis will be done on at least a quarterly basis. Tenant organizations will be provided detailed work force data as required by servicing agreements.

e. Any reduction in force, no matter how many employees are affected or the category of employment, will be analyzed by the installation EEO office. Analyses will focus on the impact of the reduction and determine the RNO/G distribution of employees targeted for separation, change to lower grade, lateral reassignment or any other action. A further examination will be made on the personnel criteria used to determine the composition of the impacted group by RNO/G. The activity head of the affected organization will be informed of the percentage of each affected RNO/G group in comparison to the relevant CLF and/or installation representation during the decision making process.

3-4. Additional uses of collected and analyzed data

Summary data collected on applicants for full-time and part-time permanent position vacancies will be used to develop strategies to recruit qualified members of EEO groups not adequately represented among applicants. The developed strategies will be included in

the Federal Equal Opportunity Recruitment (FEORP) Plan. Work force data will be used to illustrate the impact of personnel policies, supply information needed to improve work force representation, identify shortfalls and problem areas, and insure management officials have enough data to make informed decisions.

3-5. Required reports

a. Installation EEO offices will forward reports to the MACOM EEO office NLT 10 working days after the end of each fiscal quarter. All profile reports will show RNO/G delineation for all RNO/G groups. Data on Asians and Native Americans will not be aggregated. The local CLF will be used for comparison unless the national CLF is higher for that particular group. Quarterly reports will include:

(1) Work force profiles showing MICA indices and goals for each PATCOB category.

(2) Work force profile by series and grade for grades 11 and above, clerical, and wage grade employees.

(3) Distribution of awards and cash award amounts by RNO/G by grade and PATCOB category.

(4) Applicant pool profile showing number applied, referred, and selected by RNO/G by grade within PATCOB category including a comparison of the number of applicants and the CLF.

(5) Number of EEO complaints by bases and issues showing the percentage filed by each category and by RNO/G with individual totals for MDW and tenant organizations and combined for an overall total. Identify the organization with the highest number of complaints filed against it.

(6) Number of complaints (formal and informal) initiated during the quarter.

(7) Number of complaints (formal and informal) resolved by category of closure.

(8) Number of complaints (formal and informal) entered into CATS and the percentage of input completion in accordance with DA standards.

(9) Number of formal complaints late and the reason for the delay.

(10) Cost of complaints including counselor salary costs (hourly wage x amount of time spent), counselor travel, court reporter, DoD Office of Complaints Investigation (OCI) TDY, attorney fees, and EEOC administrative judge. All cost data must be verifiable by voucher or order.

(11) Number of hearings.

(12) Number of findings of discrimination.

b. Data will be reported in table format with accompanying graph. Related data can be consolidated. Data will be in approved ADP format where possible.

Chapter 4 Discrimination Complaint Processing

4-1. General

Individual and class action discrimination complaints filed under this regulation are processed under the guidance of AR 690-600, 29 CFR 1614, and EEOC Management Directives.

4-2. EEO counselors

a. EEO counselors are acting on behalf of the command EEO complaint resolution process and as such are to be provided access to commanders as required. All personnel will cooperate fully with EEO counselors in the performance of their duties including providing all requested information, being available when requested, and providing facilities and resources needed for the EEO counselor to perform his/her duties.

b. A sufficient number of collateral-duty EEO counselors will be nominated by each serviced organization, command, and activity, to enable the servicing EEO office to provide efficient and timely informal complaint counseling and resolution. One EEO counselor for each 100 civilian employees is the recommended guideline. Selection criteria are listed in appendix C. Upon appointment, an addendum of EEO duties will be officially added to the collateral-duty EEO counselor's primary position description by her/his employing organization. The servicing EEO officer will evaluate work performed by the EEO counselor. Rating supervisors will request, in writing, the EEO officer's input for annual performance appraisals. All personnel performing as EEO counselors will be provided sufficient official time away from their duty sections to perform their duties. This includes attendance at EEO counselor training, seminars, and other counseling skill development activities sponsored by the command. All EEO counselors must complete appropriate training prior to counseling a case. In order to preclude the appearance of a conflict of interest, EEO counselors will not counsel cases in which the counseling can be influenced by his/her rater.

4-3. Avoiding conflicts of interest

When a person involved in the EEO complaint process (e.g., EEO officer; activity commander/director; MDW Director of EEO; Commanding General, MDW; or other serviced MACOM commander) is named as a principal agency witness (PAW) or identified as a responsible official, the following procedures will be used to avoid the appearance of a conflict of interest:

a. Operating-level EEO officer. If an operating-level EEO officer is identified as a PAW based on actions he or she is alleged to have personally taken, the EEO officer's function in processing that complaint will be performed by the MDW Director of EEO. If named as a PAW merely by virtue of his or her position, the EEO officer may continue to process the complaint.

b. Installation/activity commander/director. If an installation or activity commander/director is identified as a PAW in a discrimination complaint based on actions he or she is alleged to have personally taken, the commander's EEO complaint resolution function will be performed by the commander at the next higher level. If the activity commander/director is named as a PAW merely by virtue of his or her position, he or she may continue to perform complaint resolution functions in the processing of the complaint.

c. Staff judge advocate (SJA). If the SJA or senior legal officer of the servicing legal office is identified as a PAW based on actions he or she is alleged to have personally taken, legal advice to the organization processing that complaint will be provided by the legal office at the next higher level of command or a legal office in a separate command. The term senior legal officer shall mean the SJA or the deputy SJA. If the SJA or senior legal officer is named as a PAW merely by virtue of his or her position, he or she may continue to provide legal advice in the processing of the complaint.

d. Civilian personnel officer. If the civilian personnel officer is identified as a PAW based on actions he or she is alleged to have personally taken, the MDW civilian personnel director will provide personnel advice to the command in the processing of that complaint. If the civilian personnel officer is named as a PAW merely by virtue of his or her position, he or she may continue to provide personnel advice in the processing of the complaint.

e. MDW EEO director. If the MDW EEO director is identified as a PAW based on actions he or she is alleged to have personally taken, the EEO director's functions in the processing of that complaint will be performed by a special EEO officer designated by the Commanding General, MDW. If the MDW EEO director is named as a PAW merely by virtue of his or her position, he or she may continue to process the complaint.

f. Commanding General, MDW, and other MACOM commanders.

(1) If a MACOM commander is identified as a PAW in a particular complaint based on actions he or she is alleged to have personally taken, that commander's functions in the processing of that complaint will be performed by the Vice Chief of Staff, Army. If the MACOM commander is named as a PAW merely by virtue of his or her position, the function of the MACOM commander will not change in the processing of the complaint.

(2) Pre-complaint counseling of allegations involving MACOM commanders will be coordinated with the EEO Officer, Office of the Secretary of the Army (OSA). The EEO officer servicing the activity where the aggrieved person is employed or has applied for employment will be responsible for ensuring local counseling is conducted and required coordination is accomplished before the EEO counselor conducts the final interview with the complainant.

(3) Formal complaints involving actions alleged to have been taken by serviced MACOM commanders will be forwarded to the OSA EEO Officer for processing. If such a formal complaint is filed with an MDW EEO officer, that EEO officer will issue a letter to the complainant acknowledging receipt of the complaint and informing him/her that the complaint is being referred to the OSA EEO officer. The letter must state that such acknowledgment does not constitute acceptance of the complaint. The servicing EEO office will forward the following documents to the OSA EEO Officer:

- (a) The complaint.
- (b) A copy of the acknowledgment of receipt.
- (c) A recommendation for acceptance or dismissal of the complaint and an analysis in support of the recommendation.
- (d) A copy of the EEO counselor's report.

4-4. Reporting individual complaint processing

To enable the MDW EEO Directorate to evaluate complaint processing services rendered, servicing EEO officers will submit the following information to the MDW EEO director not later than 5 calendar days following the end of each quarter:

- a. The status of each formal complaint with a listing of dates on which key administrative actions were taken in the processing of each complaint.
- b. The number of pre-complaint counseling contacts made (identified by type of discrimination alleged and issue(s) involved) and whether or not the matter was resolved.

4-5. Class action complaints

a. Servicing EEO officers will notify the MDW EEO director of all matters identified as allegations of class discrimination within 5 days following the initial interview between the EEO counselor and the agent for the class.

b. Upon receipt of a formal class action complaint, the servicing EEO officer will immediately provide a copy of the complaint and other related materials to the MDW EEO director as well as to the Equal Employment Opportunity Compliance and Complaints Review Agency and the Office of the Judge Advocate General, Department of the Army.

Appendix A
Required and Related Publications

1. AR 690-12, Equal Employment Opportunity and Affirmative Action
2. AR 690-600, Equal Employment Opportunity Discrimination Complaints
3. 29 CFR, Chapters 1600 through 1625, Federal Sector Equal Employment Opportunity
4. DODR 1440.1, The DOD Civilian Equal Employment Opportunity (EEO) Program
5. EEO Management Directive 110, Federal Sector Complaints Processing Manual
6. EEO Management Directives 700 Series, Affirmative Action Programs
7. Executive Order 11478, Equal Employment Opportunity in the Federal Government-as amended

NOTE: The EEO management directives are available from the HQDA EEO Agency (SAMR-SFEOA), 1941 Jefferson Davis Highway, Crystal Mall 4, Suite 221, Arlington, VA 22202-4508, or the Equal Employment Opportunity Commission, Public Sector Programs, 2401 E Street, NW, Washington, DC 20507.

Appendix B
Selection Criteria for Collateral-Duty
Special Emphasis Program Managers

Selection criteria are based on DoD guidelines. Successful nominees will possess the appropriate knowledges, skills, and abilities identified below.

1. Knowledge of employment issues of the particular minority or gender group;
2. A demonstrated sensitivity toward women's issues; cultural/ethnic and diversity issues obtained through work or study at such places as the Defense Equal Opportunity Management Institute (DEOMI), Defense Race Relations Institute (DRRI), National Association for the Advancement of Colored People (NAACP), LULAC, National Organization for Women (NOW); Federally Employed Women (FEW); and college courses in women's studies or minority studies.
3. The desire to perform tasks related to improving the command's programs relative to those groups.
4. The ability to represent and speak for the command or activity at meetings.
5. The ability to speak Spanish and knowledge of Hispanic culture (mandatory) for appointment as an HEP manager (HEPM).
6. The ability to speak an Asian language and knowledge of an Asian culture (mandatory) for appointment as an AEP Manager (AEPM).
7. Membership in a tribal nation (mandatory) for appointment as an NEP manager (NEPM).
8. Minimum grade of GS11 or GS09 with demonstrated supervisory/managerial skills.

Appendix C
Selection Criteria for Collateral-Duty
Equal Employment Opportunity Counselors

Successful nominees will possess the attributes identified below.

1. Minimum grade of GS09 or equivalent or GS07 with demonstrated supervisory or managerial skills.
2. Ability to communicate orally and in writing.
3. Skill in negotiating.
4. Ability to deal with persons from diverse cultures and backgrounds and persons at all grade levels.
5. Ability to maintain objectivity.

Glossary

Section I Abbreviations

| | |
|----------|---|
| AAP | Affirmative Action Program |
| AEP | Affirmative Employment Program |
| APEP | Asian Pacific Employment Program |
| APEPM | Asian Pacific Employment Program manager |
| BEP | Black Employment Program |
| BEPM | Black Employment Program manager |
| BIG | Blacks in Government |
| CAPS-NCR | Civilian Army Personnel Services--National Capital Region |
| CATS | Complaints Appeals Tracking System |
| CLF | civilian labor force |
| CPM | career program manager |
| CPO | civilian personnel office |
| DEOMI | Defense Equal Opportunity Management Institute |
| DRRI | Defense Race Relations Institute |
| EEO | Equal Employment Opportunity |
| EEOC | Equal Employment Opportunity Commission |
| FAPAC | Federal Asian Pacific American Council |
| FEORP | Federal Equal Opportunity Recruitment Program |
| FEW | Federally Employed Women |
| FWP | Federal Women's Program |
| FWPM | Federal Women's Program manager |
| HEP | Hispanic Employment Program |
| HEPM | Hispanic Employment Program manager |
| IMAGE | Incorporated Mexican American Government Employees |
| LULAC | League of United Latin American Citizens |
| MACOM | major army command |
| MD | management directive |

MDW Reg 690-2

| | |
|---------|---|
| MDW | U.S. Army Military District of Washington |
| MICA | manifest imbalance/conspicuous absence |
| NAACP | National Association for the Advancement of Colored People |
| NAPAW | National Association of Professional Asian Women |
| NCAI | National Congress of American Indians |
| NEP | Native Employment Program |
| NEPM | Native Employment Program manager |
| NOW | National Organization for Women |
| OCI | Office of Complaints Investigation |
| OPM | Office of Personnel Management |
| OSA | Office of the Secretary of the Army |
| PATCOB | occupational groups under the general categories of professional, administrative, technical, clerical, other, and blue collar |
| PAW | principal agency witness |
| PERSCOM | U.S. Total Army Personnel Command |
| RIF | reduction in force |
| RNO/G | race national origin/gender |
| SEPM | special emphasis program manager |
| SJA | staff judge advocate |
| TAPES | Total Army Personnel Evaluation System |

Section II

Terms

Applicant

All persons who apply for positions. Includes individuals who are qualified or who have status as well as individuals who do not meet OPM qualification standards or do not have status.

Candidate

Person referred for selection of a position vacancy.

Conspicuous absence

Near or total absence of a protected EEO group within a particular occupation or grade group in the work force.

Manifest imbalance

Substantially lower representation of a protected EEO group in a specific occupational grouping or grade level in the work force when compared with the appropriate CLF.

Race/national origin designation

African American (not of Hispanic origin) - A person having origins in any of the black racial groups of Africa.

Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin regardless of race.

Native American - A person having origins in any of the original peoples of North America who maintains cultural identification through tribal affiliation or community recognition.

White - A person having origins in any of the original peoples of Europe.

FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM APPLICANT POOL SUMMARY AND TRACKING SHEET

(MDW REG 690-2)

| | |
|---|--|
| 1. SERVICING PERSONNEL OFFICE | 2. ORGANIZATION HIRED INTO |
| 3. SF 52 NUMBER | 4. PAY PLAN/SERIES/GRADE HIRED AT |
| 5. ANNOUNCEMENT NUMBER | 6. POSITION TITLE |
| 7. ANNOUNCEMENT DATE | 8. SELECTEE |
| 9. CLOSING DATE | 10. SELECTEE 'S SSN |
| 11. SELECTION DATE | 12. SELECTING OFFICIAL |
| 13. EFFECTIVE DATE | 14. SELECTING OFFICIAL'S SSN |
| 15. PERSONNEL SPECIALIST | 16. INTERN YES <input type="checkbox"/> NO <input type="checkbox"/> UPWARD MOBILITY YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 17. PERSONNEL SPECIALIST'S PHONE NUMBER | 18. WORK SCHEDULE FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/> TEMPORARY <input type="checkbox"/> |

| GROUPS | APPLICATIONS | | REFERRED | | SELECTED | |
|-----------------------------|--------------|-------------|-----------|-------------|-----------|-------------|
| RACE NATIONAL ORIGIN/GENDER | MEN a. | WOMEN b. | MEN c. | WOMEN d. | MEN e. | WOMEN f. |
| 19. (E) WHITE | | | | | | |
| 20. (C) AFRICAN AMERICAN | | | | | | |
| 21. (D) HISPANIC | | | | | | |
| 22. (A) NATIVE AMERICAN | | | | | | |
| 23. (B) ASIAN | | | | | | |
| 24. NOT IDENTIFIED | | | | | | |
| 25. TOTAL BY GENDER | | | | | | |

DISABILITY

| | | | | | | |
|------------------------------------|--|--|--|--|--|--|
| 26. NONE | | | | | | |
| 27. NOT IDENTIFIED | | | | | | |
| 28. 30 PERCENT DISABLED VETERAN | | | | | | |
| 29. SEVERE | | | | | | |
| 30. MODERATE | | | | | | |
| 31. TOTAL DISABLED BY GENDER | | | | | | |
| 32. AGE 40 AND OVER | | | | | | |

INSTRUCTIONS

1. **SERVICING PERSONNEL OFFICE:** enter location of CPAC or CPO office (i.e., Ft Myer CPAC or Ft Meade CPO)
2. **ORGANIZATION HIRED INTO:** self-explanatory
3. **SF 52 NUMBER:** enter number from block 2A of SF 52 or control number added to track actions initiated through means other than use of the SF 52.
4. **PAY PLAN/SERIES/GRADE HIRED AT:** enter grade at which the selectee will enter the position.
(If the position is a GS-0361-5/7/9 and the selectee is hired at grade 7, enter GS-0361-7.)
5. **ANNOUNCEMENT NUMBER:** self-explanatory
6. **POSITION TITLE:** Title of the position selectee is being hired to fill
7. **ANNOUNCEMENT DATE:** self explanatory
8. **SELECTEE:** self-explanatory (If more than one selectee, complete a separate form for each individual.)
- 9., 10., 11. self-explanatory
12. **SELECTING OFFICIAL:** enter name of the person who actually made the selection
- 13., 14., 15. self-explanatory
16. and 18. mark appropriate blocks
17. **PERSONNEL SPECIALIST'S PHONE NUMBER:** self-explanatory
- 19.-24. a-f: enter the number of individuals by race/national origin (RNO) designation and gender who applied, for each individual referred to the selecting official for consideration, and for the individual selected. Those individuals who did not indicate an RNO designation will be entered into blocks on line 24. The alpha designations (A-E) listed beside each RNO designation in blocks 19-23 are the official EEOC RNO designation for each group.
25. **TOTAL BY GENDER:** enter sum of each column, a-f, for blocks 19-24.
- 26.-30. a-f: enter the number of individuals by handicap code designation and gender who were referred, and for the individual selected for the position. Individuals who have indicated they not have a handicapping condition will be entered in block 26 a-f. Individuals who have given no indication of whether or not they have a handicapping condition will be entered into block 27 a-f. Terms listed in blocks 28-30 have specific criteria and Individuals who fall into these blocks will have documentation supporting their status.
31. **TOTAL DISABLED BY GENDER:** enter sum of columns a-f for blocks 28, 29 and 30 ONLY
32. **AGE 40 AND OVER:** enter the number of individuals who are age 40 or over, by gender, who applied, were referred, and for the individual selected.